

*These notes refer to the Deregulation Act 2015 (c.20)
which received Royal Assent on 26 March 2015*

DEREGULATION ACT 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 81: Criminal procedure: written guilty pleas

376. This section amends section 12(7) of the Magistrates' Courts Act 1980 to provide that the Criminal Procedure Rules may dispense with the requirement for certain matters to be read aloud in court before that court may accept the guilty plea. Those matters are: the statement of facts or witness statements; any information contained in a notice served on the defendant; the guilty plea from the defendant; and any written submissions from the defendant by way of mitigation.
377. Sections 12 and 12A of the Magistrates' Courts Act 1980 allow a defendant to plead guilty in writing without attending court. The procedure can be used only for comparatively minor offences, and only where certain procedural requirements have been met. The procedure is widely used in minor road traffic cases and for TV licence evasion, for example. In these cases, even though the parties and witnesses are absent, the current statute requires the court to conduct an ordinary trial, in public, in a court room. The prosecution case and defence mitigation, if any, has to be read aloud, and the court has to announce the reasons for its sentence. Providing that Criminal Procedure Rules may dispense with certain requirements for matters to be read aloud will enable the Criminal Procedure Rule Committee to ensure that the rules provide appropriate safeguards for defendants but do not require courts to follow procedures that are unnecessarily complex or lengthy.
378. Criminal Procedure Rules made under section 69 of the Courts Act 2003 govern procedure in criminal courts in England and Wales and this section affects the law of England and Wales only. The section will come into force on a day to be appointed by the Secretary of State in a commencement order.